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Third-Party Defendant, Radio One, Inc.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SAMUEL L. JONES JR.,

Plaintiff,

-against-

INFINITY BROADCASTING CORPORATION OF :
WASHINGTON, D.C. n/k/a CBS RADIO INC. OF :
WASHINGTON, D.C., :

Defendant.

:
:
:
: Civil Action No.
: 07 CV 5693 (BSJ/AJP)
:

:
: DECLARATION OF
: LINDA J. VILARDO
: IN OPPOSITION TO
: CBS RADIO'S MOTION
: TO ENTER AN
: ORDER OF CONTEMPT
: X

-----X
INFINITY BROADCASTING CORPORATION :
OF WASHINGTON, D.C. n/k/a CBS RADIO INC. :
OF WASHINGTON, D.C., :
:

Counterclaimant and Third-Party
Plaintiff,

-against-

SAMUEL L. JONES JR.,

Counterclaim Defendant, and

RADIO ONE, INC.,

Third-Party Defendant.
-----X

LINDA J. VILARDO hereby declares as follows:

1. Since November 2004, I have been the Vice-President and Chief Administrative Officer of Third-Party Defendant Radio One, Inc. ("Radio One").

2. I make this declaration in opposition to the motion by Third-Party Plaintiff Infinity Broadcasting Corporation of Washington, D.C. n/k/a CBS Radio Inc. of Washington, D.C. ("CBS Radio") to hold plaintiff, Samuel L. Jones Jr. ("Jones"), and Radio One in contempt for alleged violations of the Court's Preliminary Injunction Order issued by the Court on July 24, 2007 and the Amended Preliminary Injunction issued by the Court on July 27, 2007 (collectively, the "Injunction"). Except where otherwise stated, I have personal knowledge of the facts set forth below.

3. Each of the violations alleged by CBS Radio occurred during the broadcast and simulcast of the Tom Joyner Morning Show ("TJMS").¹ Although TJMS is broadcast in the Washington, D.C. metropolitan area by Radio One's WMMJ-FM, Radio One is not the owner of TJMS.

4. TJMS is owned, operated and syndicated by Reach Media, Inc. ("Reach"), and is broadcast to over 100 media markets out of Reach's Dallas, Texas studios. TJMS is carried by WMMJ-FM pursuant to a syndication agreement between Radio One and Reach.

5. Although Radio One owns a 51% stock interest in Reach, Radio One is not responsible for Reach's day-to-day operations or the daily TJMS content. Rather, such day-to-day content is controlled by TJMS and its staff.

¹ Specifically, CBS Radio calls to the Court's attention utterances during TJMS on July 24, July 26, August 6, August 8, August 16, August 17 and August 20, 2007. Declaration of Bruce P. Keller, dated August 23, 2007.

6. Reach also is the owner of blackamericaweb.com, a website which simulcasts TJMS over the Internet. However, upon information and belief, Reach also is solely responsible for the daily content made available on the website.

7. Significantly, CBS Radio is well aware of Radio One's efforts to address CBS Radio's concerns. On or about August 8, 2007, in response to an e-mail from Steven Lerman of CBS Radio regarding the disputed TJMS statements on August 8, 2007, I advised that Radio One would contact TJMS regarding the issue, and reiterated that appropriate instructions already had been given, but reminded Mr. Lerman that there were "lots of layers between the legal folks and those on air." A true copy of my e-mail response is attached hereto as Exhibit A.

8. As is seen from the exhibits to the accompanying Declaration of Michele Williams, executed September 7, 2007 ("Williams Decl."), appropriate steps were again taken by Radio One to ensure that TJMS personnel were aware of the restrictions imposed by the Injunction. Williams Decl., Exhs. C, D and E. After the August 9, 2007 notifications, I believed that the issue had been addressed and was not aware of any dissatisfaction by CBS Radio with TJMS until we were notified by our attorneys on August 23, 2007, that CBS Radio had filed a separate motion to hold Jones and Radio One in contempt as part of its opposition to Radio One's and Jones' motions to dismiss the Third-Party Complaint and to vacate or modify the Injunction.

I declare under penalty of perjury that the foregoing is true and correct.

Executed under penalty of perjury at Lanham, Maryland, on September 7, 2007.


LINDA J. VILARDO